

Part 3

Reporting and Review

62A-16-301 Fatality review committee report -- Response to report.

- (1) Within 20 days after the day on which the committee proceedings described in Section 62A-16-204 end, the committee shall submit:
 - (a) a written report to the executive director that includes:
 - (i) the advisory opinions made under Subsection 62A-16-204(6); and
 - (ii) any recommendations regarding action that should be taken in relation to an employee of the department or a person who contracts with the department;
 - (b) a copy of the report described in Subsection (1)(a) to:
 - (i) the director, or the director's designee, of the office or division to which the fatality relates; and
 - (ii) the regional director, or the regional director's designee, of the region to which the fatality relates; and
 - (c) a copy of the report described in Subsection (1)(a), with only identifying information redacted, to the Office of Legislative Research and General Counsel.
- (2) Within 20 days after the day on which the director described in Subsection (1)(b)(i) receives a copy of the report described in Subsection (1)(a), the director shall provide a written response to the director of the Office of Services Review and a copy of the response, with only identifying information redacted, to the Office of Legislative Research and General Counsel, if the report:
 - (a) indicates that a law, rule, policy, or procedure was not complied with;
 - (b) indicates that the fatality was not responded to properly;
 - (c) recommends that a law, rule, policy, or procedure be changed; or
 - (d) indicates that additional training is needed.
- (3) The response described in Subsection (2) shall include a plan of action to implement any recommended improvements within the office or division.
- (4) Within 30 days after the day on which the executive director receives the response described in Subsection (2), the executive director, or the executive director's designee shall:
 - (a) review the plan of action described in Subsection (3);
 - (b) make any written response that the executive director or the executive director's designee determines is necessary;
 - (c) provide a copy of the written response described in Subsection (4)(b), with only identifying information redacted, to the Office of Legislative Research and General Counsel; and
 - (d) provide an unredacted copy of the response described in Subsection (4)(b) to the director of the Office of Services Review.
- (5) A report described in Subsection (1) and each response described in this section is a protected record.
- (6)
 - (a) As used in this Subsection (6), "fatality review document" means any document created in connection with, or as a result of, a fatality review or a decision whether to conduct a fatality review, including:
 - (i) a report described in Subsection (1);
 - (ii) a response described in this section;
 - (iii) a recommendation regarding whether a fatality review should be conducted;
 - (iv) a decision to conduct a fatality review;
 - (v) notes of a person who participates in a fatality review;

- (vi) notes of a person who reviews a fatality review report;
 - (vii) minutes of a fatality review;
 - (viii) minutes of a meeting where a fatality review report is reviewed; and
 - (ix) minutes of, documents received in relation to, and documents generated in relation to, the portion of a meeting of the Health and Human Services Interim Committee or the Child Welfare Legislative Oversight Panel that a fatality review report or a document described in this Subsection (6)(a) is reviewed or discussed.
- (b) A fatality review document is not subject to discovery, subpoena, or similar compulsory process in any civil, judicial, or administrative proceeding, nor shall any individual or organization with lawful access to the data be compelled to testify with regard to a report described in Subsection (1) or a response described in this section.
- (c) The following are not admissible as evidence in a civil, judicial, or administrative proceeding:
- (i) a fatality review document; and
 - (ii) an executive summary described in Subsection 62A-16-302(4).

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62A-16-302 Reporting to, and review by, legislative committees.

- (1) The Office of Legislative Research and General Counsel shall provide a copy of the report described in Subsection 62A-16-301(1)(b), and the responses described in Subsections 62A-16-301(2) and (4)(c) to the chairs of:
- (a) the Health and Human Services Interim Committee; or
 - (b) if the individual who is the subject of the report was, at the time of death, a person described in Subsection 62A-16-102(2)(c) or (d), the Child Welfare Legislative Oversight Panel.
- (2)
- (a) The Health and Human Services Interim Committee may, in a closed meeting, review a report described in Subsection 62A-16-301(1)(b).
 - (b) The Child Welfare Legislative Oversight Panel shall, in a closed meeting, review a report described in Subsection (1)(b).
- (3)
- (a) Neither the Health and Human Services Interim Committee nor the Child Welfare Legislative Oversight Panel may interfere with, or make recommendations regarding, the resolution of a particular case.
 - (b) The purpose of a review described in Subsection (2) is to assist a committee or panel described in Subsection (2) in determining whether to recommend a change in the law.
 - (c) Any recommendation, described in Subsection (3)(b), by a committee or panel for a change in the law shall be made in an open meeting.
- (4)
- (a) On or before September 1 of each year, the department shall provide an executive summary of all fatality review reports for the preceding state fiscal year to the Office of Legislative Research and General Counsel.
 - (b) The Office of Legislative Research and General Counsel shall forward a copy of the executive summary described in Subsection (4)(a) to:
 - (i) the Health and Human Services Interim Committee; and
 - (ii) the Child Welfare Legislative Oversight Panel.
- (5) The executive summary described in Subsection (4):
- (a) may not include any names or identifying information;
 - (b) shall include:

- (i) all recommendations regarding changes to the law that were made during the preceding fiscal year under Subsection 62A-16-204(6);
 - (ii) all changes made, or in the process of being made, to a law, rule, policy, or procedure in response to a fatality review that occurred during the preceding fiscal year;
 - (iii) a description of the training that has been completed in response to a fatality review that occurred during the preceding fiscal year;
 - (iv) statistics for the preceding fiscal year regarding:
 - (A) the number and type of fatalities of qualified individuals that are known to the department;
 - (B) the number of formal fatality reviews conducted;
 - (C) the categories, described in Subsection 62A-16-102(2) of qualified individuals who died;
 - (D) the gender, age, race, and other significant categories of qualified individuals who died; and
 - (E) the number of fatalities of qualified individuals known to the department that are identified as suicides; and
 - (v) action taken by the Office of Licensing and the Bureau of Internal Review and Audits in response to the fatality of a qualified individual; and
 - (c) is a public document.
- (6) The Division of Child and Family Services shall, to the extent required by the federal Child Abuse Prevention and Treatment Act, as amended, allow public disclosure of the findings or information relating to a case of child abuse or neglect that results in a child fatality or near fatality.

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